

COUNCIL
AGENDA
SPECIAL
COUNCIL
AUG. 9, 1978

THE COUNCIL OF
THE CORPORATION OF THE CITY OF MISSISSAUGA

A G E N D A

SPECIAL COUNCIL MEETING

WEDNESDAY, AUGUST 9, 1978, 11:00 A.M.

1. REPORTS FROM MUNICIPAL OFFICERS

R-1 FILE 29-78 - REQUESTS FOR BLOCK PARTIES AND PARADES

Report dated August 2, 1978, from W. P. Taylor, Commissioner of Engineering, Works & Building, recommending approval of the parade route proposed for the Wagon Train to the Canadian National Exhibition, to pass through Mississauga, via Derry-Creditview-Burnhamthorpe-Dixie-Lakeshore Roads, on August 14 and 15, 1978. Resolution available.

2. UNFINISHED BUSINESS

UB-1 FILE 7-78 - CLERK'S
FILE 31-78 - INSURANCE
FILE 43-78 - ONTARIO HYDRO

Council, at the Special Meeting held August 2, 1978, deferred consideration of a request on behalf of the friends and relatives of Mr. and Mrs. Bernard O'Keefe, that the City of Mississauga set up a trust fund for Vaughan O'Keefe, who was injured in a fall from a hydro tower at the Ontario Hydro right-of-way parallel to Queensway Avenue and Glengarry Road.

See Attachments - UB-1.

3. MOTIONS

- (a) To approve the proposed parade route for the Wagon Train to the Canadian National Exhibition, to pass through Mississauga on August 14 and 15, 1978, and to approve a partial closure of Creditview Road in conjunction with the parade.

3. MOTIONS CONTINUED

- (b) To support the ratepayers' request for a meeting with the Premier, Minister of Transportation and Communications and M.P.P. re: Highway 427 extension, and to direct staff to seek an immediate meeting with the M.T.C. re: negotiations to relocate proposed Highway 427 and improvements to Indian Line. (F. McKechnie)
- (c) Re: proposed Jehovah's Witness Kingdom Hall at 4351 Dixie Road.

4. BY-LAWS

#442-78

A by-law to amend By-law #5500, as amended.
(This amendment exempts the Credit Valley Conservation Authority from condition 19(1)(f) of By-law #5500, to permit the construction of a portable office building annex to the C.V.C.A. offices in Meadowvale. Resolution #436 passed by Council on August 2, 1978, is not sufficient to grant the requested exemption.)

THREE READINGS REQUIRED

5. ADJOURNMENT

Verbal motion.

City of Mississauga

R-1

MEMORANDUM

FILE REF : 11 141 00011

The Mayor and Members of
The General Committee
City of Mississauga

William P. Taylor, P.Eng., Commissioner
Engineering, Works and Building

August 2, 1978

LADIES & GENTLEMEN :

SUBJECT : Proposed Wagon Train to the Canadian National
Exhibition

ORIGIN : Engineering Department

COMMENTS :

We have been contacted by a group who are planning a wagon train starting at Brock's Monument near Niagara Falls and finishing at the Canadian National Exhibition. They propose to pass through Mississauga on August 14 and 15, 1978.

We have discussed the proposed route and stop over points with representatives of the group, the Peel Police and Peel Region Traffic Section and we have made the following arrangements :

- 1) The group will enter Mississauga on August 14 following Derry Road easterly from Ninth Line to Creditview Road, south on Creditview Road to Burnhamthorpe Road and east on Burnhamthorpe Road to Square One
- 2) Arrangements have been made with McLaughlin & Associates to allow the wagon train to spend the night of August 14 on vacant land west of Square One
- 3) The wagon train will leave Square One at 9.00 a.m. on August 15, proceed east on Burnhamthorpe Road, south on Dixie Road to Lakeshore Road and easterly on Lakeshore Road into Metro Toronto
- 4) The wagon train will consist of approximately 25 wagons together with outriders totalling 150 horses, and will operate at a speed of 4 - 5 miles per hour covering 25 miles per day.

continued ...

✓ RESOLUTION AVAILABLE

R-1-a

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SUBJECT : Proposed Wagon Train to the Canadian National Exhibition

COMMENTS :
continued ...

The Peel Police will provide an escort for the entire route through the City of Mississauga, and a partial road closure will be necessary on Creditview Road between Derry Road and Burnhamthorpe Road. It is proposed that the road be closed to southbound traffic for the duration of the caravan, but the northbound traffic be maintained.

RECOMMENDATION :

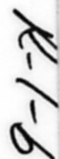
- A. That the parade route indicated on the attached map and following Derry Road, Creditview Road, Burnhamthorpe Road, Dixie Road and Lakeshore Road be approved
- B. That a partial road closure of Creditview Road for southbound traffic on August 14, 1978, be approved.

William P. Taylor, P.Eng.,
Commissioner,
Engineering, Works and Building Department

Att.

cc : E.M. Halliday
D.A.R. Ogilvie
R.G.B. Edmunds
L. Love

RKW:jb



40-1

GOODMAN & GOODMAN

BARRISTERS & SOLICITORS

DAVID B. GOODMAN, Q.C. (1917-1989)

EDWIN A. GOODMAN, Q.C.
KENNETH N. KARP, Q.C.
STANLEY TAUBE
DAVID T. STOCKWOOD
ALLAN LEIBEL
PRISCILLA H. HEALY
WANDA DOROSZ
RICHARD STORREY

NORMAN H. SCHIPPER, Q.C.
SHELDON SILVER, Q.C.
GERALD ROSS
DONALD G. PIERCE
JULIA RYAN
HARRIET I. LEWIS
PAUL MINZ
ROBERT G. WEPPLER

HERBERT H. SOLWAY, Q.C.
PHINEAS SCHWARTZ, Q.C.
CHARLES J. SCHWARTZ
GORDON I. KIRKE
WILLIAM V. ALCAMO
JOSEPH SHIER
ROSANNE ROCCHI

LIONEL H. SCHIPPER, Q.C.
ARNOLD L. CADER
LORIE WAISBERG
NEIL H. HARRIS
M. KATHRYN ROBINSON
STEPHEN DIAMOND
ALAN P. SHANOFF

July 27, 1978

DELIVERED BY TAXI

City of Mississauga
1 City Centre Drive
Mississauga, Ontario
L5B 1M2

Attention: Clerk

Dear Sirs,

Re: Accident involving Vaughan O'Keefe,
July 5, 1978, Ontario Hydro right-of-way
parallel to Queensway Avenue and Glengarry

We represent Vaughan O'Keefe and his family with respect to a claim for injuries and expenses occasioned as a result of Vaughan O'Keefe coming into contact with electric wires, a generator and/or other equipment.

Inquiries to date indicate that the same occurred as a result of the negligence on the part of you and your employees, or agents. This shall constitute your official notification of this claim.

Yours very truly,

GOODMAN & GOODMAN

RS/ada

Per: Richard Storrey

UB-1-a

July 26, 1978

RECEIVED
REGISTER NO.
DATE JUL 27 1978
FILE NO.
CLERK'S DEPARTMENT

Clerk,
City of Mississauga,
1 City Centre Drive,
Cooksville, Ontario.

Dear Sir:

Re: Vaughan O'Keefe Trust Fund

I am writing on behalf of the friends of Mr. and Mrs. Bernard O'Keefe of the City of Mississauga. Their son, Vaughan O'Keefe, was recently injured in a fall from a hydro tower and is very severely injured. He has just had an operation in which both his arms and a leg were amputated.

It is the wish of his friends and family that a fund be established for the benefit of Vaughan O'Keefe. This fund is to be used for the medical requirements that Vaughan will, no doubt, need in the future and for his education.

In order to solicit a wide response from the public, we feel that it would be desirable if donors could receive a deduction for tax purposes for the amount of the donation. We have been advised that the trust fund would be for a private benevolent purpose and would not be registered as a charity with Revenue Canada. We are further advised that Revenue Canada has suggested that the municipality set up the trust fund in order to allow donors to deduct their donations as a gift to a municipality.

The Toronto Sun has very generously offer to retain legal counsel to assist in the establishment of the fund and to draft the documents required to establish the same. We would ask that this proposal be put on the agenda for the meeting of City Council to be held on Wednesday, August 2nd, 1978.

If it is possible to have the proposal put on the agenda, or if you have any other questions in connection with this matter, would you kindly contact Miss Rosanne Rocchi of

continued.....

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Goodman & Goodman, the solicitors for the Toronto Sun, at
862-1500.

Thank you for your attention to this matter.

Yours very truly,

Gerald Keating
Gerald Keating.

GK*wb

c.c. Mrs. Hazel McCallion

GOODMAN & GOODMAN

BARRISTERS & SOLICITORS

DAVID B. GOODMAN, Q.C. (1917-1999)

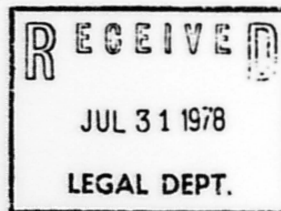
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LORIE WASSBERG
NEIL H. HARRIS
M. KATHRYN ROBINSON
STEPHEN DIAMOND
ALAN P. SHANOFF

July 28, 1978



The City Solicitor,
City of Mississauga,
1 City Centre Drive,
Cooksville, Ontario.

Dear Sir:

Re: Vaughan O'Keefe Trust Fund

We have been retained to proceed with the establishment of a Trust Fund for Vaughan O'Keefe, the son of Mr. and Mrs. Bernard O'Keefe of the City of Mississauga.

Vaughan O'Keefe is 13 years old and was seriously injured when he fell from a hydro tower in a recent accident. He is presently at the Toronto Western Hospital and is recovering from a triple amputation involving both arms and one leg. The friends of Mr. and Mrs. O'Keefe have expressed a desire to establish a Trust Fund for the future care, benefit and maintenance of Vaughan O'Keefe. As you may appreciate, the medical and educational requirements of Vaughan O'Keefe in the future will be substantial and the above parties wish to ensure that these requirements are met.

In order to solicit a wide response from potential donors we feel that it is desirable to be able to issue receipts allowing a deduction for income tax purposes. As you know, receipts can generally only be issued by corporations or organizations which are registered charities within the meaning of Section 149 of The Income Tax Act. The establishment of a Trust Fund for a single individual such as Vaughan O'Keefe would not qualify for registration since the purpose of the fund would be for an act of private benevolence. Revenue Canada requires that the purpose of such funds be public in character before registration status will be granted.

We have spoken to the authorities at Revenue Canada who have advised that such Trust Funds have, in fact, been established and receipts have been issued to donors through

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the mechanism of donations to a municipality. The procedure is that donations are made to the municipality and the donors receive a deduction for income tax purposes for gifts to a Canadian municipality pursuant to sub-paragraph 110 (1) (a) (iv) of The Income Tax Act. We would, therefore, request that the City pass a by-law authorizing the City of Mississauga to accept donations made payable to the "City of Mississauga re: Vaughan O'Keefe Trust Fund". These donations may be made directly. Alternatively, donations may be made at any branch of a chartered bank (to be arranged when the by-law has been passed and approved by the municipality) which branches will then remit these donations to the City.

It is suggested that the City of Mississauga assume the responsibility for the collection of the donations and the issuance of receipts for income tax purposes.

The administration of the Trust Fund can be handled in one of two ways. The first alternative is for the municipality to pay the funds into Court pursuant to Rule 742 of The Rules of Practice. The money is paid to the Accountant of The Supreme Court of Ontario who then administers the Fund. The rate of return on monies paid into Court is approximately 9% and there are no administrative charges for this service. The money is held in trust for the benefit of the infant beneficiary until he reaches the age of 18. In the interim, if money is needed, the father of the beneficiary would file an affidavit with the Official Guardian wherein he would swear to the facts giving rise to the need for money to be used for the beneficiary. The Official Guardian would then issue a fiat permitting payment out of Court of the monies required. This is a fairly simple matter and would involve the following on the part of the municipality:

- (1) passing a by-law permitting the establishment of a Fund;
- (2) collecting the funds;
- (3) issuing receipts therefor;
- (4) paying the monies into Court;
- (5) entering into a Declaration of Trust pursuant to the by-law declaring that the municipality is collecting and holding the funds on trust for Vaughan O'Keefe.

We would be please to prepare the documentation required if this is satisfactory.

The second alternative is to collect money and pay the same to a Trust established for the benefit of Vaughan O'Keefe. Presumably, one of the Trustees would be the father

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and possibly a Trust Company. The Trust Company would no doubt be required to administer and invest the funds.

We feel that the former method affords the greatest protection to the funds and provides a maximum rate of return with no administrative charges. This, of course, would one of the concerns of the municipality before paying over the funds.

Mr. Gerald Keating has given notice to the Clerk of the City of Mississauga that he will be making representation before City Council on behalf of numerous citizens of Mississauga who have expressed an interest in this matter. We have been advised that this matter will be on the agenda at the special council meeting to be held at 11 o'clock in the forenoon on Tuesday, August 2nd, 1978. We will be present as the solicitors representing this group.

Should you have any questions in connection with any of the foregoing, please do not hesitate to call.

Yours very truly,

GOODMAN & GOODMAN,

Rosanne Rocchi

Rosanne Rocchi.

RR*wb

c.c. The Official Guardian
Mr. and Mrs. Bernard O'Keefe
Mr. Gerald Keating
Mrs. Hazel McCallion
Mr. Sandi Logan, The Toronto Sun